

1959

CONGRESSIONAL RECORD — SENATE

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current resolution, which had been reported from the Committee on Foreign Relations with an amendment.

The PRESIDING OFFICER. The amendment of the Committee on Foreign Relations will be stated.

The LEGISLATIVE CLERK. On page 1, after the preamble, it is proposed to strike out all after the resolving clause, and insert:

That it is the sense of the Congress (a) that the President of the United States of America should explore with other free and democratic nations and appropriate international organizations the desirability and feasibility of establishing an international mission to consult with the Governments of countries in the area of South Asia on their needs in connection with the fulfillment of currently planned and anticipated development programs over the next five years and to consider and recommend ways and means of jointly assisting in the implementation of those plans in cooperation with the Governments of South Asia, and (b) that if the international mission is established, the President of the United States of America should report to the Congress on such recommendations as are made by the mission.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title was amended, so as to read: "Concurrent resolution to invite friendly and democratic nations to consult with countries of South Asia."

The preamble was amended, so as to read:

Whereas the continued vitality and success of the Governments of South Asia are matters of common interest to free nations, politically because of their five hundred and twenty-five million people and vast land area; strategically because of their vital geographic location; economically because of their resources and their national development efforts; and morally because of the great necessity that they continue to make progress and succeed in their earnest efforts to improve the lot of their peoples: Now, therefore, be it

TRIBUTES TO SENATOR BYRD OF WEST VIRGINIA

Mr. RANDOLPH. Mr. President, the present occupant of the Chair, the Senator from West Virginia [Mr. BYRD], has often had the facility for being in the right place at the right time.

Today he has added to his distinction in that category by being the Presiding Officer on the occasion when, for the first time, the Senate overrode a veto by the present occupant of the White House. My colleague from West Virginia was presiding, with his customary fairness and firmness, over this body during this historic event. President Eisenhower has sent 146 veto messages to the Congress but the perfect record no longer exists.

I congratulate my colleague, and I am sure that my sentiment is shared by our colleagues on both sides of the aisle.

Mr. JOHNSON of Texas. Mr. President, if the Senator from West Virginia will yield to me, let me state that I wish to associate myself with what he has said. I know of no Senator who has come to this body since I have been a Member of it who has made a more favorable impression than has the Senator

from West Virginia [Mr. BYRD]; and I am always glad to see him in the chair, for that makes it possible for us to transact our business with efficiency and in a proper manner.

Mr. ERVIN. Mr. President, I should like to join in the remarks which have been made in regard to our distinguished Presiding Officer, the very able Senator from West Virginia [Mr. BYRD]. I wish to say that it is not surprising to me that he is such a wonderful Senator, because he was born in and is a native of the best place in the universe, namely, North Carolina.

ESTABLISHMENT OF RATES OF BASIC COMPENSATION FOR CERTAIN POSITIONS IN THE PATENT OFFICE

Mr. JOHNSTON of South Carolina. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 1845.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1845) to provide for the establishment of rates of basic compensation for certain positions in the Patent Office in the Department of Commerce, and for other purposes, which were, to strike out all after the enacting clause and insert:

POSITIONS OF EXAMINER-IN-CHIEF AND DESIGNATED EXAMINER-IN-CHIEF IN THE PATENT OFFICE

SECTION 1. (a) Section 3 of title 35 of the United States Code is amended by adding at the end thereof the following sentence: "The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 17 of the General Schedule of the Classification Act of 1949, as amended."

(b) The last sentence of section 7 of title 35 of the United States Code is amended to read as follows: "The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 16 of the General Schedule of the Classification Act of 1949, as amended. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made."

(c) The amendments made by this section shall not affect—

(1) any position of examiner-in-chief or designated examiner-in-chief existing immediately prior to the effective date of this section, or

(2) any incumbent of any such position, his appointment thereto, his rate of compensation, or his right to receive such compensation, until appropriate action is taken under authority of such amendments.

POSITIONS IN GRADES 16, 17, AND 18 OF THE GENERAL SCHEDULE OF THE CLASSIFICATION ACT OF 1949

SEC. 2. (a) Section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105), is amended by adding at the end thereof the following:

"(k) The Secretary of the Treasury (or his designee for the purpose) is authorized, subject to the standards and procedures prescribed by this Act, to place a total of two hundred and sixty positions in the Department of the Treasury in grades 16, 17, and 18 of the General Schedule, as follows:

"(1) not more than one hundred and eighty-four such positions shall be in such grades during the period beginning on the date of enactment of this subsection and ending on June 30, 1960;

"(2) not more than two hundred and twenty-two such positions shall be in such grades during the period beginning on July 1, 1960, and ending on June 30, 1961; and

"(3) not more than two hundred and sixty such positions shall be in such grades on and after July 1, 1961."

(b) Section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), is amended—

(1) by striking out "fourteen hundred and eighty-three" and inserting in lieu thereof "fourteen hundred and twenty-nine";

(2) by striking out "three hundred and ninety-seven" and inserting in lieu thereof "three hundred and seventy-one"; and

(3) by striking out "one hundred and fifty-seven" and inserting in lieu thereof "one hundred and fifty-three."

(c) Nothing contained in this section shall affect—

(1) any position existing under authority of section 505(b) of the Classification Act of 1949, as in effect immediately prior to the date of enactment of this Act, or

(2) the compensation attached to any such position and any incumbent thereof, his appointment thereto, and his right to receive the compensation attached thereto, until appropriate action is taken under authority of subsection (k) of section 505 of the Classification Act of 1949, as contained in the amendment made by subsection (a) of this section.

POSITIONS IN CERTAIN DEPARTMENTS AND AGENCIES SUBJECT TO THE FEDERAL EXECUTIVE PAY ACT OF 1956

SEC. 3. (a) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), which prescribes an annual rate of basic compensation of \$20,000 for certain positions, is amended by adding at the end thereof the following paragraphs:

"(46) Commissioner of Social Security.

"(47) Commissioner of Education."

(b) Section 106(b) of such Act, as amended (5 U.S.C. 2205(b)), which prescribes an annual rate of basic compensation of \$19,000 for certain positions, is amended by adding at the end thereof the following paragraphs:

"(10) Deputy Commissioner of the Internal Revenue Service.

"(11) Chief Counsel of the Internal Revenue Service.

"(12) Administrative Assistant Attorney General.

"(13) Administrative Assistant Secretary of the Interior.

"(14) Administrative Assistant Secretary of Agriculture.

"(15) Administrative Assistant Secretary of Labor.

"(16) Administrative Assistant Secretary of the Treasury."

(c) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out "(1) Administrator, Agricultural Research Service, Department of Agriculture," "(18) Commissioner of Social Security," and "(20) Deputy Commissioner of the Internal Revenue Service."

ADDITIONAL SCIENTIFIC AND PROFESSIONAL POSITIONS FOR RESEARCH AND DEVELOPMENT PURPOSES

SEC. 4. (a) Subsection (e) of the first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as added by section

12(c) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 213; Public Law 85-462), is amended to read as follows:

"(e) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than fifteen scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel."

(b) Subsection (f) of the first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as added by section 12(c) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 213; Public Law 85-462), is amended to read as follows:

"(f) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than ten scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel."

REDESIGNATION OF THE POSITION OF ASSISTANT DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SEC. 5. (a) (1) Sections 601, 603, and 606 of title 28 of the United States Code are amended by striking out the words "Assistant Director" wherever they appear in such sections and inserting in lieu thereof the words "Deputy Director".

(2) The analysis at the beginning of chapter 41 of such title is amended by striking out the words "Assistant Director" in the items thereof relating to sections 601 and 606 and inserting in lieu thereof the words "Deputy Director".

(3) Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), is amended by striking out "(6) Assistant Director of the Administrative Office of the United States Courts," and inserting in lieu thereof "(6) Deputy Director of the Administrative Office of the United States Courts."

(4) Whenever the Assistant Director of the Administrative Office of the United States Courts is referred to in any other law, such reference shall be deemed to be to the Deputy Director of the Administrative Office of the United States Courts.

(b) The Director of the Administrative Office of the United States Courts, may, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), procure the temporary or intermittent services of experts or consultants at rates not in excess of \$75 per diem.

MISCELLANEOUS

SEC. 6. (a) Section 202 of the Classification Act of 1949, as amended (5 U.S.C. 1082), is amended—

(1) by changing to a semicolon the period at the end of paragraph (32) of such section 202, which paragraph (32) was added to such section 202 by the first section of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36);

(2) by redesignating, as paragraph (33) of such section 202, paragraph (32) thereof which was added by section 3 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213; Public Law 86-91);

(3) by changing to a semicolon the period at the end of such paragraph (33), as redesignated by subparagraph (2) of this subsection; and

(4) by adding at the end of such section 202 the following paragraph:

"(34) examiners-in-chief and designated examiners-in-chief in the Patent Office in the Department of Commerce."

(b) Section 5(b) of the Defense Department Overseas Teachers Pay and Personnel

Practices Act (73 Stat. 214; Public Law 86-91) is amended—

(1) by striking out "paragraph (32) of section 202 of such Act, as added by section 3 of this Act," and inserting in lieu thereof "paragraph (33) of section 202 of such Act, added by section 3 of this Act,"; and

(2) by striking out "such paragraph (32)" and inserting in lieu thereof "such paragraph (33)".

EFFECTIVE DATES

SEC. 7. (a) This section, and sections 2, 4, and 5 of this Act, shall become effective on the date of enactment of this Act.

(b) Sections 1, 3, and 6 of this Act shall become effective on the first day of the first pay period which begins after the date of enactment of this Act.

Amend the title so as to read: "An act to provide for the reestablishment of the rates of basic compensation for certain Government positions, and for other purposes."

Mr. JOHNSTON of South Carolina. Mr. President, this bill was passed by the House on Monday, at which time it added these amendments.

I have discussed with the chairman of the Civil Service Commission certain provisions included in the House amendments. I have been given the chairman's pledge that three GS-18 authorizations will be given to the Immigration and Naturalization Service and that one GS-17 and three GS-16's will be allocated to the Bureau of Prisons. With this assurance, I ask that the Senate agree to the House amendments to the bill.

Mr. CARLSON. Mr. President, this bill has the approval, first, of the Senate Committee on Post Office and Civil Service. I concur in the amendments which were added by the House of Representatives.

I had some questions about some of the supergrade positions, particularly as regards the Department of Labor.

I hope that when the Civil Service Commission is allocating the 50 supergrade positions it will keep in mind the Department of Labor, if it can justify a need for these positions.

Mr. JOHNSTON of South Carolina. Mr. President, I join with the Senator from Kansas in that statement, and in doing so I believe I speak for the committee as a whole.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments of the House of Representatives?

Mr. JOHNSTON of South Carolina. Mr. President, I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

WARWICK DOWNING

Mr. CARROLL. Mr. President, this summer the University of Denver conferred an honorary doctor of laws degree on one of Colorado's outstanding and beloved citizens, a man who has served his State and country with skill, energy, and devotion for half a century, Mr. Warwick Downing.

Mr. Downing is a longtime and dear friend of the distinguished senior Senator from Wyoming [Mr. O'MAHONEY].

Senator O'MAHONEY had intended to compliment publicly Mr. Downing on his receipt of the Denver University honors. The Senator's illness has prevented him from doing so this session.

I am happy to join with Senator O'MAHONEY, one of the greatest Senators ever to represent the Western States, in saluting Mr. Downing as a westerner who has devoted his life to the conservation and development of our western natural resources. The tribute paid to Mr. Downing by the University of Denver is one richly deserved and applauded by his thousands of friends in all walks of life in the Western States.

I wish to quote a portion of the citation accompanying the Denver University honors, Mr. President, and then I shall offer for inclusion in the RECORD the entire citation and a biographical sketch on Mr. Downing.

The Denver University citation reads in part:

Here is a man most truly representative of the American way of life, inalterably committed to the burdens of community responsibility others might shirk, answering each call to service with enterprise, enthusiasm and directness, with kindness, tolerance and understanding; accepting no recompense and seeking no reward other than that which is ever to be found in devotion to duty as one sees it.

Mr. President, I ask unanimous consent to have the citation to Warwick Downing, by the University of Denver printed at this point in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION—UNIVERSITY OF DENVER

(Read by Chancellor Chester M. Alter on the occasion of the commencement exercises, University of Denver, June 10, 1959)

Warwick Miller Downing, born of Quaker ancestry and true to its ideals, now for six fruitful decades since graduation from the University of Michigan School of Law, creating an altogether unusual record of service to this community, this State and region; skilled in trial practice, authority without peer in oil and gas litigation, and pioneer in the stimulation of oil shale development; uniquely serving at one time as member of the executive committee of the Independent Petroleum Association of America, as director of the Rocky Mountain Oil and Gas Association, as a member of the Interstate Oil Compact Commission, as chairman of the Colorado Oil and Gas Conservation Commission and as director of the American Petroleum Institute; before and since, a leader in the affairs of these organizations, the vast industry they serve and the vital resources they represent; as a member of the Parks Commission of Denver, the Mountain Parks Committee, the Denver Playground Commission; rightfully coming to be called "the father of the mountain parks, boulevards, and playgrounds of Denver" by the late Mayor Robert Speer; here is a man most truly representative of the American way of life, inalterably committed to the burdens of community responsibility others might shirk, answering each call to service with enterprise, enthusiasm, and directness, with kindness, tolerance, and understanding; accepting no recompense and seeking no reward other than that which is ever to be found in devotion to duty as one sees it.

Mr. CARROLL. Mr. President, I also ask unanimous consent to have printed